

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANGELA HAGGERTY,

Plaintiff,

-v.-

Civil Action No.
3:10-cv-306 (GLS/ATB)

MICHAEL ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Lachman, Gorton Law Firm
P.O. Box 89
1500 East Main Street
Endicott, New York 13761-0089

PETER A. GORTON, ESQ.

FOR THE DEFENDANT:

Social Security Administration
Office of Regional General Counsel
Region II
26 Federal Plaza - Room 3904
New York, New York 10278

THOMAS C. GRAY, ESQ.

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed February 14, 2011. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

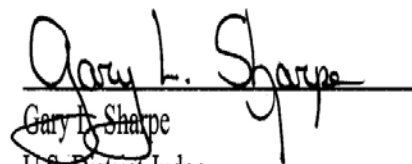
ORDERED, that the Report-Recommendation of Magistrate Judge Andrew T. Baxter filed February 14, 2011 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED that the decision of the Commissioner is REVERSED and the case is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. §405(g), for a proper determination of plaintiff's residual functional capacity to perform her past work and other further proceedings, and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED

Dated: March 8, 2011
Albany, New York


Gary L. Sharpe
U.S. District Judge